

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re The Application of:
Vijayan Rajan

Serial No.: 10/772,822

Filed: February 5, 2004

For: SYSTEM AND METHOD FOR
LUN CLONING

Examiner: Savla, Arpan P

Art Unit: 2185

Confirmation No.: 5952

Cesari and McKenna, LLP
88 Black Falcon Avenue
Boston, MA 02210
July 14, 2010

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUPPLEMENTAL DECLARATION OF PRIOR INVENTION
TO OVERCOME CITED PUBLICATION UNDER 37 C.F.R. § 1.131

This document is provided as a supplemental declaration of prior invention to overcome cited publications under 37 C.F.R. § 1.131.

PURPOSE OF SUPPLEMENTAL DECLARATION

1. The person making this supplemental declaration is Vinay Gupta, a joint inventor.

2. I have assigned my rights to the above-identified patent application to NetApp, Inc., whose address is 495 East Java Drive, Sunnyvale, CA 99089.

3. This supplemental declaration, in conjunction with my declaration executed January 4, 2010, is to establish completion of the invention of this application in the United States at a date prior to the effective date of the prior art publications, Federwisch et al., U.S. Publication No. 2003/0182313 published September 25, 2003, and Edwards, U.S. Publication No. 2003/0182389 published September 25, 2003, both of which were cited by the Examiner. Further, during a time span from prior to September 25, 2003 until February 5, 2004, the filing date of the above-identified patent application, we diligently worked with our patent attorney to file an application in the U.S. Patent and Trademark Office.

DILIGENCE

4. As set forth in my declaration executed January 4, 2010, during a time span prior to September 25, 2003 until the constructive reduction of practice on February 5, 2004, we diligently worked to constructively reduce the invention to practice.

5. On information and belief, on or about August 14, 2003, I conferred with the patent attorney who was assigned to prepare the present application to discuss the details of the invention.

6. On information and belief, on or about August 26, 2003, the patent attorney began drafting the application.

7. On information and belief, between approximately August 26, 2003 and January 15, 2004, the patent attorney continued to draft, revise, and review the application.

8. On information and belief, on or about January 15, 2004, the patent attorney transmitted a first draft of the patent application to me and my co-inventor for review.

9. On information and belief, on or about January 19, 2004, the patent attorney revised the draft patent application.

10. On information and belief, on or about February 3, 2004, the patent attorney transmitted the patent application along with formal papers to me and my co-inventor for review and execution.

11. On February 3, 2004, my co-inventor and I executed the declarations.

DECLARATION

12. I, Vinay Gupta, as a joint inventor of the present invention, hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE

13. Full name of (joint/sole) inventor (please print):

VINAY GUPTA

Inventor's signature: Vinay Gupta Date: 7/30/10

Country of Citizenship: INDIA

Country of Residence: USA

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